

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TARVER,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

Case No. C05-5237FDB


ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Magistrate Judge recommends that this 28 U.S.C. § 2254 Petition be dismissed with prejudice as unexhausted and procedurally barred. Petitioner has filed objections in which he disputes the conclusions reached by the Magistrate Judge on the facts, arguing that he was credited with good time that was taken from him without due process. This Court, however, agrees with the Magistrate Judge's analysis of the issues.

The Court having reviewed the Report and Recommendation of the Hon. Karen L. Strombom United States Magistrate Judge,, and the remaining record, and the objections to the Report and Recommendation, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITH PREJUDICE** for the reasons set forth in the Report and Recommendation.
- (3) The clerk is directed to send copies of this Order to Petitioner, counsel for Respondent, and to the Hon. Karen L. Strombom.

DATED this 24th day of February 2006.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE